GOVERNMENT OF INDIA
URBAN DEVELOPMENT AND POVERTY ALLEVATION
LOK SABHA

UNSTARRED QUESTION NO:436
ANSWERED ON:20.11.2001
CONSTRUCTION IN URBAN VILLAGES
ARUN KUMAR

Will the Minister of URBAN DEVELOPMENT AND POVERTY ALLEVATION be pleased to state:

to the reply given to Unstarred Question No. 80 dated February 20, 2001 and state:

(a) whether his Ministry had issued comprehensive instructions on 28.8.2000 with the aim of ensuring effective and systematic action against all types of unauthorised/illegal constructions in Delhi;

(b) if so, the details thereof;

(c) whether it is also a fact that the officers to whom instructions were issued are not working according to these instructions and unauthorised construction in Delhi are still going on unabetedly;

(d) if so, the details thereof; and

(e) whether action has been taken by the Panchayat/Revenue Department on the instruction No.(vii) of the said instructions?

Answer

MINISTER OF STATE FOR URBAN DEVELOPMENT & POVERTY ALLEVIATION (SHRI BANDARU DATTATREYA)

(a)&(b): Yes, Sir. A copy of the instructions dated 28.8.2000 is attached as Annexure.

(c)to(e): The information is being collected and will be laid on the Table of the Sabha.

ANNEXURE

ANNEXURE REFERRED TO IN REPLY TO PART (a) & (b) OF LOK SABHA UNSTARRED QUESTION NO.436 FOR 20.11.2001.

NO. J-13036/3/96-DDIIB GOVERNMENT OF INDIA

MINISTRY OF URBAN DEVELOPMENT & POVERTY ALLEVIATION

NIRMAN BHAWAN, NEW DELHI DATED: 28.08.2000

To

1. Shri P.S. Bhatnagar,
Chief Secretary,
Government of National Capital Territory of Delhi,
Delhi

2. Shri P.K. Ghosh,
Vice-chairman,
Delhi Development Authority,
Vikas Sadan, INA, New Delhi

3. Shri S.P. Aggarwal,
Commissioner,
Municipal Corporation of Delhi,
Town Hall, Delhi

4. Shri B.P. Misra,
Chairperson,
New Delhi Municipal Committee,

Palika Kendra, New Delhi.

5. The Development Commissioner,
Government of National Capital Territory of Delhi,
Twon Hall, New Delhi.

Subject: Unauthorised Encroachment and Illegal Constructions in Delhi.

Sir.

I am directed to say that the menace of illegal encroachment/unauthorised construction in Delhi has been considered by the Government of India at its highest level and it has been decided to eliminate this menace with a firm hand. You are therefore, requested to take strong and prompt action against all illegal constructions/unauthorised encroachments and also against misuses of land in violation of the provisions of the Master Plan of Delhi. The following measures are particularly required to be enforced strictly:

(i) All illegal constructions should be demolished, not cosmetically but in to-to.

(ii) The cost of demolition should be recovered from the illegal builders within 15 days of demolition. In case of non-payment within 15 days, the amount due should be recovered as arrears of land revenue.

(iii) In all cases of illegal constructions, prosecution should invariably be launched against builders under the Delhi Municipal Corporation Act, Delhi Development Authority Act, New DelhiMunicipal Council Act, etc. and the cases followed vigorously with the police authorities/courts.

(iv) Wherever the property is on lease, action should be taken under the terms and conditions of lease agreement and re-entry effected within the shortest permissible period under such lease agreement. After re-entry, physical possession of the property should be taken by invoking the provisions of Public Premises Eviction Act and damages collected immediately. The rates of damages/misuse charges should be the same as per the formula followed by the L&DO and approved by the Ministry of Urban Development.

(v) In case of DDA flats, where constructions havecome up beyond the condonable limits, cancellation of allotment should be carried out in addition to the demolition of the additional construction. Orders in respect of condonable and non-condonable items are being issued separately.

(vi) In cases, whereafter demolition, reconstruction is done, personal responsibility of the officer incharge should be fixed and departmental action taken against him.

(vii) In cases where illegal construction have taken placed on rural - agricultural lands, action under the Provisions of the Delhi land Reforms Act, 1954, should also be taken and such lands should be taken over as per provisions of the Delhi Land Reforms Act. Action in this respect should be taken as soon as the plots are cut by the colonisers and construction done in the shape of boundary walls etc. In other words construction should be nipped in the bud. If it comes up, it should be demolished immediately. Action in this respect should also be taken by the concerned local agencies/DDA as per the bye-laws pertaining to lay out/service plans, etc.

(viii) In all cases where party obtains stay/status quo orders, prompt action to get the stay order vacated should be taken and higher court moved, wherever necessary.

(ix) All Senior Field Officers should be asked tocarry out physical inspection of the area under their charge and the Supervising Officer should also make surprise checks to ensure that the subordinate staff takes immediate action to check/demolish unauthorised construction. Deterrent action should also be taken against the subordinate staff such as Building Inspectors, Junior Engineers, Assistant Engineers, etc. who do not take prompt action.

(x) Field officers should be asked to maintain field diaries and submit them to the Supervisory Officer regulary.

2. It is also requested that a monthly report should be sent to the Ministry of Urban Development by the 5th of each succeeding month.

3. In this connection, it may be noted that both the Parliament and the Parliament Consultative Committee have expressed deep concern, through questions and interpolations, over the rising menace of unauthorised constructions in Delhi and the suspected connivance of the staff of the different authorities in the matter. A Flying Squad has been constituted in the Ministry and if, as a result of findings of this Squad, it is found that subordinate staff has not done its duty or not carried out the aforesaid instructions, strict action against the Subordinate/Supervisory Staff would be taken by the Government.

Yours faithfully,
Sd/-

(DR. NIVEDITA P. HARAN)
JOIT SECRETARY TO THE GOVT. OF INDIA
TEL: 301 8255

Copy for information and necessary action to:-

1. Deputy C.V.O. Ministry of UD&PA, Nirman Bhawan, New Delhi

2. L&DO, Ministry of UD&PA, Nirman Bhawan, New Delhi

3. DG (W), CPWD,Nirman Bhawan, New Delhi

Sd/-

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